



## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-493-000]

### **Tennessee Gas Pipeline Company, LLC; Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Cumberland Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Cumberland Project (Project) involving construction and operation of facilities by Tennessee Gas Pipeline Company, LLC (Tennessee Gas) in Dickson, Houston, and Stewart County, Tennessee. The Commission will use the EIS in its decision-making process to determine whether the Project is in the public convenience and necessity. The schedule for preparation of the EIS is discussed in the Schedule for Environmental Review section of this notice.

As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as “scoping.” By notice issued on March 2, 2022, in Docket No. PF22-2-000, the Commission opened a scoping period during Tennessee Gas’ planning process for the Project and prior to filing a formal application with the Commission, a process referred to as “pre-filing.” Tennessee Gas has now filed an application with the Commission, and staff intends to prepare an EIS that will address the concerns raised during the pre-filing scoping process and comments received in response to this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document, including comments on potential alternatives and impacts, and any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC **on or before 5:00 pm Eastern Time on October 7, 2022**. Further details on how to submit comments are provided in the Public Participation section of this notice.

As mentioned above, during the pre-filing process the Commission opened a scoping period which expired on April 4, 2022; however, Commission staff continued to accept comments during the entire pre-filing process. All substantive written and oral comments provided during pre-filing will be addressed in the EIS. Therefore, if you

submitted comments on this Project to the Commission during the pre-filing process in Docket No. PF22-02-000 you **do not need** to file those comments again.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not grant, exercise, or oversee the exercise of eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Tennessee Gas provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)) under the Natural Gas Questions or Landowner Topics link.

### **Public Participation**

There are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

- 1) You can file your comments electronically using the eComment feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;
- 2) You can file your comments electronically by using the eFiling feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

- 3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP22-493-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

### **Summary of the Proposed Project**

Tennessee Gas requests authorization to construct, own, operate, and maintain 32 miles of new 30-inch-diameter natural gas pipeline (Cumberland Pipeline) from its existing Lines 100-3 and 100-4 to the Tennessee Valley Authority's (TVA) existing Cumberland Fossil Plant, which is currently coal-fired. TVA is evaluating options to replace the coal-fired capability of the Cumberland Fossil Plant; including the option of constructing a new natural-gas-fired power plant at the same site.<sup>1</sup> The Cumberland Pipeline would be in Dickson, Houston, and Steward counties, Tennessee; and it would provide about 245,000 dekatherms per day of natural gas per day to TVA.

The Cumberland Project would consist of the following facilities:

- Approximately 32 miles of new 30-inch-diameter natural gas lateral pipeline, as described above.
- New Pressure Regulation Station comprised of bi-directional back pressure regulation facilities (including a new Mainline Valve on each of TGP's Lines 100-3 and 100-4 at the origin of the newly planned Cumberland Pipeline in Dickson County, Tennessee.
- New Cumberland Meter Station at the terminus of the planned Cumberland Pipeline within TVA's newly proposed power plant in Steward County, Tennessee.
- New in-line inspection traps at each end of the planned Cumberland Pipeline.
- New Mainline Valve located at an intermediate location along the planned Cumberland Pipeline.

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<sup>1</sup> In its draft environmental impact statement (87 Federal Register 25485; April 29, 2022), TVA identifies constructing a new natural gas-fired combined cycle power plant at its Cumberland Fossil Plant Reservation and associated Cumberland Pipeline (the subject of Tennessee Gas' proposal with FERC as described in this Notice) as its preferred alternative to replace part of the retired generation.

The general location of the project facilities is shown in appendix 1.<sup>2</sup>

Based on environmental information provided by Tennessee Gas, construction of the proposed facilities would disturb about 507.6 acres of land for the pipeline and the aboveground facilities. Following construction, Tennessee Gas would maintain about 193.5 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

Based on an initial review of Tennessee Gas' proposal and public comments received during the pre-filing process, Commission staff have identified several expected impacts that deserve attention in the EIS. These include: impacts on air quality (greenhouse gases), alternatives, environmental justice, wildlife habitat, streams, and wetlands.

### **The NEPA Process and the EIS**

The EIS issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed Project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- greenhouse gas and climate;
- air quality and noise; and
- reliability and safety.

Commission staff will also make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff focus its analysis on the issues that may have a significant effect on the human environment.

The EIS will present Commission staff's independent analysis of the issues. The U.S. Army Corps of Engineers (Nashville District) is a cooperating agency in the preparation of the EIS.<sup>3</sup> Staff will prepare a draft EIS which will be issued for public

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<sup>2</sup> The appendices referenced in this notice will not appear in the Federal Register. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>3</sup> The Council on Environmental Quality regulations addressing cooperating

comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any draft and final EIS will be available in electronic format in the public record through eLibrary<sup>4</sup> and the Commission's natural gas environmental documents webpage (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

## **Alternatives Under Consideration**

The EIS will evaluate reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action.<sup>5</sup> Alternatives currently under consideration include:

- the no-action alternative, meaning the Project is not implemented; and
- a system alternative evaluating whether the Project purpose could be met by use of an existing pipeline system.

With this notice, the Commission requests specific comments regarding any additional potential alternatives to the proposed action or segments of the proposed action. Please focus your comments on reasonable alternatives (including alternative facility sites and pipeline routes) that meet the Project objectives, are technically and economically feasible, and avoid or lessen environmental impact.

## **Consultation Under Section 106 of the National Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission initiated section 106 consultation for the Project in the notice issued on March 3, 2022, with the Tennessee State Historic Preservation Office, and other government agencies, interested Indian tribes, and the public to solicit their views and concerns regarding the project's potential effects on historic properties.<sup>6</sup> This notice is a continuation of section 106 consultation for the Project. The Project EIS will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

## **Schedule for Environmental Review**

On July 29, 2022, the Commission issued its Notice of Application for the Project. Among other things, that notice alerted other agencies issuing federal authorizations of

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agency responsibilities are at Title 40 Code of Federal Regulations (CFR), Section 1501.8.

<sup>4</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>5</sup> 40 CFR 1508.1(z).

<sup>6</sup> The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final EIS for the Project. This notice identifies the Commission staff's planned schedule for completion of a final EIS for the Project, which is based on an issuance of the draft EIS in February 2023.

Issuance of Notice of Availability of the final EIS  
90-day Federal Authorization Decision Deadline<sup>7</sup>

June 30, 2023  
September 28, 2023

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

### **Permits and Authorizations**

The table below lists the anticipated permits and authorizations for the Project required under federal law. This list may not be all-inclusive and does not preclude any permit or authorization if it is not listed here. Agencies with jurisdiction by law and/or special expertise may formally cooperate in the preparation of the Commission's EIS and may adopt the EIS to satisfy its NEPA responsibilities related to this Project. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

<b>Permit</b>	<b>Agency</b>
CWA Section 404 Discharges to Waters of the United States	U.S. Army Corps of Engineers
CWA Section 402 Stormwater and Construction Dewatering Permits	Tennessee Department of Environment and Conservation
NHPA Section 106 Consultation	Tennessee State Historic Preservation Office
ESA Section 7 Consultation	U.S. Fish and Wildlife Service

### **Environmental Mailing List**

This notice is being sent to the Commission's current environmental mailing list for the Project which includes the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all

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<sup>7</sup> The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR section 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

**If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:**

- 1) Send an email to [GasProjectAddressChange@ferc.gov](mailto:GasProjectAddressChange@ferc.gov) stating your request. You must include the docket number CP22-493-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This e-mail address is unable to accept comments.**

**OR**

- 2) Return the attached "Mailing List Update Form" (appendix 2).**

### **Additional Information**

Additional information about the Project is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (i.e., CP22-493). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Any planned public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: September 7, 2022.

**Kimberly D. Bose,**  
*Secretary.*

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